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**PERMANENCY  
PLANNING GOALS**

A permanency planning goal for each Indian child must be documented within each service plan. This goal is the intended outcome of the caseworker's active efforts to move the Indian child from temporary placement to permanent placement. There may be interim goals that are necessary to achieve the ultimate goal of permanence; see FOM 722-7, Permanency Planning Goals.

The objective of the Indian Child Welfare Act (ICWA)/Michigan Indian Family Preservation Act (MIFPA) is to provide a child with the opportunity to maintain tribal connections. Tribes may have preferred living arrangements and caseworkers should confer and collaborate with the Indian child's tribe to determine any placement priority and permanency goal.

Caseworkers should seek to maintain the tribal connections through ICWA/MIFPA placement preferences and obtain input with family, tribe, and other community supports (For example: urban Indian organizations, tribal service providers, and Indian Outreach Services); see NAA 215 Placement/Replacement Priorities for Indian Children.

**Case Record**

The permanency planning goal listed in the service plan must match the goal that is coded in the Michigan Statewide Automated Child Welfare Information System (MISACWIS) and for Juvenile Justice. The appropriateness of the goal depends primarily upon whether the Indian child is a temporary or permanent ward, and the individual circumstances of the case, including the determination of the applicability of ICWA/MIFPA.

**CONCURRENT  
PERMANENCY  
PLANNING**

In cases involving an Indian child who is a member of or eligible for membership in a federally recognized tribe, tribal government will be involved in all aspects of case planning, placement and interventions. In these situations, sequential planning rather than concurrent planning may be the process of choice.

As soon as affiliation in an Indian tribe is identified, the tribe must be included in permanency planning.

All permanency planning recommendations will be made in consultation with the tribe for foster families who have or declare tribal membership or Native American heritage. If the child's tribal family wants to be considered for placement at a later date, the caseworker must assess the family that comes forward for placement.

## **PERMANENCY HEARING PLANNING**

### **Compelling Reasons for a Permanency Plan other than Return Home**

When an Indian parent is making progress towards reunification by the time of the 12-month hearing, it may be appropriate to continue reunification as the permanency goal. If a parent has made no progress in the 12-month period, a permanency plan other than termination of parental rights/return home must be presented to the court or documentation of compelling reasons why termination petition should not be filed.

The following reasons may be used as a compelling reason for a permanency goal other than termination of parental rights/return home for Indian children and documented in the service plan and uploaded into the MiSACWIS ICWA Personal History:

- The Indian child is placed with a member of the Indian child's extended family as defined in policy.
- Active efforts were not provided.
- The active efforts that were provided have not failed.
- The tribe or supervising agency has identified a different permanency goal to be in the best interest of the Indian child (i.e., not supporting a petition for termination of parental rights).
- ICWA/MIFPA specific legal standards applicable to termination of parental rights, evidence beyond a reasonable doubt, has not been met.
- Parent(s) are making substantial progress in treating a substance/alcohol abuse problem and continued progress

could allow future reunification without endangering the Indian child.

- There is no qualified expert witness testimony that the continued custody of the Indian child by the parent or Indian custodian is likely to result in serious emotional or physical damage to the child, as required by ICWA/MIFPA.

### Integration of ASFA and the ICWA (APPLA)

#### ***Another Planned Permanent Living Arrangement (APPLA)***

If, after active efforts, the Indian child age 16 years or older cannot be safely returned to the parents or Indian custodian within 12 months after removal, the caseworker must develop another planned permanent living arrangement (APPLA). The APPLA must be developed in collaboration with the Indian child's tribe, the parents and extended family members. The caseworker must document when the tribe declines to collaborate in the case plan. If a tribe declines, the caseworker should continue to invite the tribe to assist in the identification of APPLA for the Indian child.

If it is concluded that (after considering reunification, adoption, guardianship or permanent placement with a fit and willing relative) the most appropriate permanency plan for an Indian child is APPLA, the compelling reasons for this decision must be documented in the updated service plan (USP). These compelling reasons must detail why none of the other goals are in the child's best interest.

#### ***Compelling Reasons for APPLA***

Examples of compelling reasons for APPLA may include, but are not limited to, the tribe's identification of APPLA for the Indian child who is at least age 16 and who opposes termination of parental rights and adoption.

### ADOPTION PERMANENCY PLANNING

When considering whether adoption is the most appropriate permanency plan, evaluate the following factors:

- Does the Indian child's tribe have long-standing social and cultural objections to termination of parental rights? Is adoption recognized by the tribe?
- If termination and adoption are opposed by the tribe, is there an alternative permanent placement available with extended family or other tribal member which will provide comparable stability for the Indian child?
- If a placement within the Indian child's tribe cannot be identified, what efforts have been made to identify an adoptive placement not belonging to the tribe, including a non-Indian family?
- If a placement within the Indian child's tribe cannot be identified, have efforts been made to obtain the tribe's support for an **alternative** adoptive placement within the placement preference order?
- Has the Indian child expressed an objection to termination and adoption?
- If the Indian child's parent(s) expressed a placement preference, what efforts have been made to choose a placement that accommodates their wishes (25 CFR 23.132)?

## ADULT SUPPORT SYSTEM

If it appears that an Indian child may not have a legal relationship with an adult when leaving the child welfare system, the caseworker must assist the Indian youth to develop an adult support system; see [FOM 722-3C, Older Youth, Preparation, Placement and Discharge](#) and [FOM 722-7F, Permanency Planning - Permanent Placement with a Fit and Willing Relative \(PPFWR\) and Another Planned Permanent Living Arrangement \(APPLA\)](#).

Indian youth under care and supervision of the department, placement agency foster care, and/or tribe may access the young adult voluntary foster care program (YAVFC), Youth in Transition (YIT), Michigan Youth Opportunities Initiative (MYOI), and education and training voucher (ETV) programming; see NAA 415, TAM, [FOM 722-16 Young Adult Voluntary Foster Care](#), [FOM 950 Youth In Transition](#), and [FOM 960 Educational and Training Voucher](#).

**LEGAL BASIS**

Adoption and Safe Families Act, 42 USC 601 et seq.

Bureau of Indian Affairs (BIA) ICWA Final Rule, 25 CFR 23.

Indian Child Welfare Act, 25 USC 1901 et seq.

Michigan Indian Family Preservation Act, MCL 712B. 1 - 41.